

80TH CONGRESS
2d Session

SENATE

DOCUMENT
No. 201

FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES

FEDERAL CORRUPT PRACTICES ACT HATCH POLITICAL ACTIVITIES ACT

and

ACTS RELATING TO PUBLICATION AND DISTRIBUTION
OF CAMPAIGN STATEMENTS AND CONTRIBUTIONS BY
OR SOLICITATION FROM PERSONS OR FIRMS PERFORM-
ING GOVERNMENT CONTRACTS—

WITH REVISION OF

TITLE 18 BY PUBLIC LAW NO. 772,

80TH CONGRESS, 2d SESSION

JUNE 25, 1948, EFFECTIVE SEPTEMBER 1, 1948

Prepared under the direction of the Subcommittee on Privileges and
Elections of the Senate Committee on Rules and Administration



PRESENTED BY MR. JENNER

AUGUST 7 (legislative day, AUGUST 5), 1948.—Ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1948

COMMITTEE ON RULES AND ADMINISTRATION

C. WAYLAND BROOKS, Illinois, *Chairman*

KENNETH S. WHERRY, Nebraska

CARL HAYDEN, Arizona

BOURKE B. HICKENLOOPER, Iowa

THEODORE FRANCIS GREEN, Rhode Island

WILLIAM F. KNOWLAND, California

BRIEN McMAHON, Connecticut

HENRY CABOT LODGE, Jr., Massachusetts

FRANCIS J. MYERS, Pennsylvania

WILLIAM E. JENNER, Indiana

JOHN C. STENNIS, Mississippi

JOHN W. BRICKER, Ohio

IRVING M. IVES, New York

ALBERT L. SEIDEL, *Clerk*

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS

WILLIAM E. JENNER, Indiana, *Chairman*

JOHN W. BRICKER, Ohio

FRANCIS J. MYERS, Pennsylvania

B. NELSON DERANIAN, *Counsel*

II

CONTENTS

	Page
Federal Corrupt Practices Act.....	1
Notes on Revision of title 18, United States Code by Public Law 772 (H. R. 3190), Eightieth Congress 2d session, June 25, 1948.....	6
Note on United States v. Congress of Industrial Organizations, et al. (U. S. Supreme Court No. 695, June 21, 1948)	9
Hatch Political Activities Act.....	11
An act prohibiting the publication and distribution of election campaign statements not containing names of persons responsible.....	26
Contributions by or solicitation from persons or firms negotiating for or performing Government contracts.....	27
Statement by Civil Service Commission with concurrence of Department of Justice.....	28
Civil Service Rule IV.....	28
Political activity of Federal employees.....	29
Prohibited activity.....	29
Employee coverage.....	30
Part-time or intermittent employees.....	30
Persons not subject to political activity restrictions.....	30

TABLE

Disposition of the Hatch Political Activities Act with changes as effected by Public Law 772 (H. R. 3190), Eightieth Congress, 2d session, June 25, 1948.....	12
---	----

III

FEDERAL CORRUPT PRACTICES ACT, 1925, AS AMENDED

[Approved February 28, 1925; as amended June 25, 1943; and further amended June 20, 1947, and June 25, 1948]

[Public, No. 506—65th Congress, as amended by Public, No. 89—78th Congress, and further amended by Public, Nos. 101 and 772—80th Congress]

TITLE III¹.—FEDERAL CORRUPT PRACTICES ACT, 1925

Sec. 301. CITATION. (43 Stat. 1070; 2 U. S. C. A., sec. 256.)

SEC. 301. This title may be cited as the "Federal Title
Corrupt Practices Act, 1925."

Sec. 302. DEFINITIONS. (43 Stat. 1070; 2 U. S. C. A., sec. 241.)

SEC. 302. When used in this title—

(a) The term "election" includes a general or special
election, and, in the case of a Resident Commissioner
from the Philippine Islands, an election by the Philip-
pine Legislature, but does not include a primary election
or convention of a political party;

Meaning of terms
used
"Election"

(b) The term "candidate" means an individual whose
name is presented at an election for election as Senator
or Representative in, or Delegate or Resident Commis-
sioner to, the Congress of the United States, whether or
not such individual is elected;

"Candidate"

(c) The term "political committee" includes any com-
mittee, association, or organization which accepts con-
tributions or makes expenditures for the purpose of
influencing or attempting to influence the election of
candidates or presidential and vice presidential electors
(1) in two or more States, or (2) whether or not in more
than one State if such committee, association, or organ-
ization (other than a duly organized State or local com-
mittee of a political party) is a branch or subsidiary of a
national committee, association, or organization;

"Political com-
mittee"

(d) The term "contribution" includes a gift, subscrip-
tion, loan, advance, or deposit, of money, or anything of
value, and includes a contract, promise, or agreement,
whether or not legally enforceable, to make a contri-
bution;

"Contribution"

¹ The Federal Corrupt Practices Act was enacted as title III, sections 301-318 of "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes" (43 Stat. 1070-1074).

- "Expenditure" (e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;
- "Person" (f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;
- "Clerk" (g) The term "Clerk" means the Clerk of the House of Representatives of the United States;
- "Secretary" (h) The term "Secretary" means the Secretary of the Senate of the United States;
- "State" (i) The term "State" includes Territory and possession of the United States.

NOTE.—Section 591 of title 18 as enacted by Public Law 772, Eightieth Congress, second session, June 25, 1948, was apparently meant by the revisers of title 18 to repeal section 302 of the Corrupt Practices Act since it restates paragraphs (a)–(f) and (i) of that section and makes the definition of terms used in said section 591 applicable to sections 597, 599, 602, 609, and 610 of the revised title 18. Sections 597, 599, 602, and 610 of the new title 18 superseded sections 311, 310, 312, and 313 respectively of the Corrupt Practices Act. See, *infra*, notations under these sections. Section 591 is as follows:

"Sec. 591. Definitions

- "When used in sections 597, 599, 602, 609, and 610 of this title—
- "The term 'election' includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;
- "The term 'candidate' means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;
- "The term 'political committee' includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State, if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;
- "The term 'contribution' includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable;
- "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable;
- "The term 'person' or the term 'whoever' includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;
- "The term 'State' includes Territory and possession of the United States.

Sec. 303. CHAIRMAN AND TREASURER OF POLITICAL COMMITTEES; DUTIES AS TO CONTRIBUTIONS; ACCOUNTS AND RECEIPTS. (43 Stat. 1071; 2 U. S. C. A., sec. 242.)

- Political committee
Officers required
- Sec. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.
- Accounts to be kept by treasurer
- (b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—
- Receipts
- (1) All contributions made to or for such committee;
- (2) The name and address of every person making any such contribution, and the date thereof;
- Expenditures
- (3) All expenditures made by or on behalf of such committee; and
- (4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

Receipted bills to be kept

Sec. 304. ACCOUNTS OF CONTRIBUTIONS RECEIVED. (43 Stat. 1071; 2 U. S. C. A., sec. 243.)

SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

Contributions to be reported to the treasurer

Sec. 305. STATEMENTS BY TREASURER FILED WITH CLERK OF HOUSE OF REPRESENTATIVES. (43 Stat. 1071; 2 U. S. C. A., sec. 244.)

SEC. 305. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

Statements in detail to be filed with the Clerk by treasurers

Filing dates

Requirements

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

List of contributors of \$100 or more

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

Total from other contributors

(3) The total sum of all contributions made to or for such committee during the calendar year;

Yearly total of all contributions

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

List of expenditures, etc., of \$10 or more

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

Total of all other expenditures

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

Yearly total of all expenditures

Statements cumulative during the year

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Final statement January 1

(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

Sec. 306. STATEMENTS BY OTHERS THAN POLITICAL COMMITTEE FILED WITH CLERK OF HOUSE OF REPRESENTATIVES. (43 Stat. 1072; 2 U. S. C. A., sec. 245.)

Statements by individuals expending \$50 or more

SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

Sec. 307. STATEMENTS BY CANDIDATES FOR SENATOR, REPRESENTATIVE, DELEGATE, OR RESIDENT COMMISSIONER FILED WITH SECRETARY OF SENATE AND CLERK OF HOUSE OF REPRESENTATIVES. (43 Stat. 1072; 2 U. S. C. A., sec. 246.)

Statements by candidates

SEC. 307. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

Filing dates

Requirements

Contributions received, itemized

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

Expenditures made—itemized

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated;

Exception (see p. 6)

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment

Promises or pledges of appointments etc., to public or private position

of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate.

Statements cumulative

Exception

Report of total votes at last election to be inclosed.

CROSS REFERENCE

Promises or pledges of appointment specified in section 307 (a) (3) are unlawful. Sec, infra, section [310.] 599.

Sec. 308. STATEMENTS; VERIFICATION; FILING; PRESERVATION; INSPECTION. (43 Stat. 1072; 2 U. S. C. A., sec. 247.)

SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

Statement requirements generally

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

Verification

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

Transmittal by registered mail

Duplicates

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

Preservation by Clerk or Secretary for inspection for 2 years

Sec. 309. LIMITATION UPON AMOUNT OF EXPENDITURES BY CANDIDATE. (43 Stat. 1073; 2 U. S. C. A., sec. 248.)

SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

Campaign expenses of candidates limited

Amounts
allowed
(See State laws)
Senators: \$10,000
Representatives:
\$2,500

Alternative
amount based
on total votes at
last election
Senators: \$25,000
Representatives:
\$5,000

Specified
personal
expenses not
included in
limit

Exception

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on bill boards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

Sec. [310.]² 599. PROMISE OF APPOINTMENT BY CANDIDATE. (Title 18 U. S. C., sec. 599, as enacted by Public Law 772, 80th Cong., 2d sess., superseding sec. 310, ch. 368, 43 Stat. 1073 and 2 U. S. C. A., sec. 249.)

Promising ap-
pointment, etc.,
to public or
private position
to procure sup-
port of any per-
son, unlawful

Penalty

SEC. 599. Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

² Secs. 310-313 were repealed by Public Law 772, June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure."
Sec. 599 of title 18 quoted in the text above is a consolidation of former sec. 310 and sec. 314 of the Corrupt Practices Act. Changes in arrangement and phraseology were necessary to effect consolidation and the words "or both" were added to conform to the almost universal formula of the punishment provisions of title 18. (See 80th Cong., 1st sess., II. Rept. No. 304 on H. R. 3190).

Sec. [311.]³ 597. EXPENDITURES TO INFLUENCE VOTING. (Title 18 U. S. C., sec. 597, as enacted by Public Law 772, 80th Cong., 2d sess., superseding sec. 311, ch. 368, 43 Stat. 1073 and 2 U. S. C. A., sec. 250.)

SEC. 597. Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Offering expenditure, etc., to influence a vote, unlawful

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Soliciting expenditure, etc., also unlawful

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Penalty

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

Sec. [312.]⁴ 602. SOLICITATION OF POLITICAL CONTRIBUTIONS. (Title 18 U. S. C., sec. 602, as enacted by Public Law 772, 80th Cong., 2d sess., superseding sec. 312, ch. 368, 43 Stat. 1073, and 18 U. S. C. A., sec. 208.)

SEC. 602. Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any

Congressmen, U. S. employees, etc., soliciting, receiving assessment, etc., from Government employees, unlawful

³ Secs. 310-313 were repealed by Public Law 772, June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure."

Sec. 597 of title 18 quoted in the text above is a consolidation of former sec. 311 and sec. 314 of the Corrupt Practices Act. Reference to persons causing or procuring was omitted as unnecessary in view of the definition of "principal" in sec. 2 of title 18 "(c) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. (d) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such."

The punishment provisions of sec. 314 of the Corrupt Practices Act were incorporated at the end of the revised sec. 597 of title 18 upon authority of reference in such section making them applicable to sec. 311 of the same act. The words "or both" are new, being added to sec. 597 to conform to the almost universal formula of the punishment provisions of title 18. (See 80th Cong. 1st sess., H. Rept. No. 304 on H. R. 3190.)

⁴ Secs. 310-313 were repealed by Public Law 772, June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure."

Sec. 602 is based on former sec. 208 and 212 of title 18, United States Code 1940 ed., and consolidates these sections. Sec. 602 has been expanded to embrace all officers or persons acting on behalf of any independent agencies or Government owned or controlled corporations by inserting words "or any department or agency thereof," it being the purpose of the inserted language to further what appeared unquestionably to be intent of Congress, namely, to cover all persons acting for the U. S. Government in an official function.

The punishment provision now contained in sec. 602 was taken from former sec. 212 of title 18, United States Code, which, by reference, made the punishment applicable to the crime described in sec. 602. Changes were also made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

Penalty other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than three years or both.

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

Sec. [313.] 610. POLITICAL CONTRIBUTIONS AND EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS; PENALTY. (Title 18, U. S. C., sec. 610, as enacted by Public Law 772, 80th Cong., 2d sess., superseding sec. 313, ch. 368, 43 Stat. 1074; as amended 57 Stat. 167; and further amended 61 Stat. 159; 2 U. S. C. A., sec. 251.)

Contributions or expenditures by national banks or federally organized corporations, unlawful

Contributions or expenditures by any corporation or labor organization, unlawful

Includes primary or convention

Penalty for violation of sec. 610

Punishment for violation by consenting officer

"Labor organization"

SEC. 610.⁵ It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than \$5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section be fined not more than \$1,000 or imprisoned for not more than one year, or both. For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which

⁵ Sec. 313 of the Corrupt Practices Act, as amended, was repealed by Public Law 772, June 25, 1948, but was reenacted without change and codified into positive law as sec. 610 of title 18 of the United States Code entitled "Crimes and Criminal Procedure." (See 80th Cong., 2d sess., S. Rept. 1620 on H. R. 3190.)

This section passed February 28, 1925, as section 313 of title III of "An Act reclassifying the salaries of the postal service, etc." (43 Stat. 1033, 1070-1074; ch. 368, sec. 313 [H. R. 11444], Public Law No. 506). The War Labor Disputes Act, known also as the Smith-Connally Anti-Strike Act, made the original section applicable to contributions by labor organizations and added the last sentence (57 Stat. 167, June 25, 1943; ch. 144, sec. 9 [S. 796], Public Law No. 89, being U. S. C. title 50, app. sec. 1509). That amendment was temporary, however, and expired at the end of 6 months following the termination of hostilities of World War II which was proclaimed at 12 o'clock noon of December 31, 1946, by Proclamation No. 2714.

The section was further amended and made permanent legislation in the form given above in the text by the Labor-Management Relations Act, 1947. This act extends the prohibition against contributions, both in the case of corporations and labor unions, to include expenditures as well as contributions, and includes primary elections and political conventions within the prohibitions (61 Stat. 159, June 23, 1947; ch. 120, title III, sec. 304 [H. R. 3020], Public Law No. 101).

employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

CROSS REFERENCE

For definitions of terms applicable to this section see, *supra*, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

NOTES ON DECISIONS

In *United States v. C. I. O., et al.*—U. S.—Supreme Court of the United States, No. 695—October Term, 1947, June 21, 1948, construed not to prohibit the "publication, by corporations and unions in the regular course of conducting their affairs, of periodicals advising their members, stockholders, or customers of danger or advantage to their interests from the adoption of measures or the election to office of men espousing such measures."

In *United States v. Painters Local Union No. 481, et al.*, — Fed. Supp. —, United States District Court, Connecticut, July 28, 1948, construed to prohibit expenditures of union funds for "publication of expressions of political advocacy intended to affect the result of the election and the action of the convention in an established newspaper of general circulation and for a broadcast by a commercial radio station."

Sec. 314. GENERAL PENALTIES FOR VIOLATIONS. (43 Stat. 1074; 2 U. S. C. A., sec. 252.)

SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Punishment for violations not specifically covered

(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$10,000 and imprisoned not more than two years.

Punishment for willful violations

Sec. 315. EXPENSES OF ELECTION CONTESTS. (43 Stat. 1074; 2 U. S. C. A., sec. 253.)

SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

Legal expenses for contests not affected

Sec. 316. STATE LAWS NOT AFFECTED. (43 Stat. 1074; 2 U. S. C. A., sec. 254.)

SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

State laws, unless inconsistent, not affected

Sec. 317. PARTIAL INVALIDITY. (43 Stat. 1074;
2 U. S. C. A., sec. 255.)

Invalidity of
any provision
not to affect
remainder of act

SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Sec. 318. REPEALING CLAUSES. (43 Stat. 1074.)

Laws repealed

36 Stat. 822

37 Stat. 25, 360

40 Stat. 1013

35 Stat. 1103

SEC. 318. The following Acts and parts of Acts are hereby repealed: The Act entitled "An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chapter 392, Thirty-sixth Statutes, page 822), and the Acts amendatory thereof, approved August 19, 1911 (chapter 33, Thirty-seventh Statutes, page 25), and August 23, 1912 (chapter 349, Thirty-seventh Statutes, page 360); the Act entitled "An Act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chapter 187, Fortieth Statutes, page 1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chapter 321, Thirty-fifth Statutes, page 1088).

Sec. 319. EFFECTIVE DATE. (43 Stat. 1074.)

Effective date

SEC. 319. This title shall take effect thirty days after its enactment.
Approved, February 28, 1925.

**AN ACT TO PREVENT PERNICIOUS POLITICAL ACTIVITIES,
1939, AS AMENDED**

OR

**HATCH POLITICAL ACTIVITIES ACT, 1939, AS
AMENDED**

[Public Law No. 252, 76th Cong., August 2, 1939, ch. 410, sec. 1-11, 53 Stat. 1157; as amended by Public Law No. 753, 76th Cong., July 19, 1940, ch. 640, sec. 1-6, 54 Stat. 767; (and further amended by Public Law No. 507, 77th Cong., March 27, 1942, ch. 199, title VII, sec. 701, 56 Stat. 181, which expired March 31, 1947, under provisions of Public Law No. 475, 79th Cong., June 29, 1946, ch. 526, 60 Stat. 345, Public Law No. 754, 77th Cong., October 24, 1942, ch. 620, 56 Stat. 986; and further amended by Public Law No. 277, 78th Cong., April 1, 1944, ch. 150, title V, sec. 501, 58 Stat. 148-149, as amended by Public Law No. 418, 78th Cong., August 21, 1944, ch. 404, 58 Stat. 727, which expired December 31, 1946, by Proclamation of the President No. 2714); Public Law No. 684, 79th Cong., August 8, 1946, ch. 904, 60 Stat. 937; also cited as United States Code, 1946, title 18, sec. 61-61x, certain provisions of sec. 61h expiring March 31, 1947, under provisions of Public Law No. 475, 77th Cong., June 29, 1946, ch. 526, 60 Stat. 345, and secs. 61v, 61w, 61x expiring December 31, 1946, by Proclamation of the President No. 2714, as amended by Public Law No. 772, 80th Cong., 2d sess., June 25, 1948]

For disposition of the various sections of the Hatch Political Activities Act by Public Law 772 (H. R. 3190), 80th Cong., 2d sess., June 25, 1948, see table on page 12.

**Sec. [1.]⁶ 594. INTIMIDATION AND COERCION OF
VOTERS IN ELECTIONS OF CERTAIN OFFICERS.**

(Title 18, U. S. C., sec. 594, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 1 and 8, ch. 410, 53 Stat. 1147, 1148, and 18 U. S. C. A., secs. 61 and 61g.)

SEC. 594. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions,

Elections of Federal officials, including Presidential electors
Intimidation or coercion of voters by any person, unlawful

⁶ Former secs. 1-8, 10-11, 13, 17, and 20 of the Hatch Act were repealed by Public Law 772, 80th Cong., 2d sess., June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure." Secs. 10, 11, and 17 were omitted from the revised title 18 for reasons stated in the notes here under the particular section. Secs. 9, 9A, 12, 15-16, and 18 of the Hatch Act were recommended by the revisers for transfer to title 5, Executive Department, United States Code, hence do not appear in new title and must be cited as originally enacted and appearing in the United States Statutes until a revision and codification of title 5 is effected.

Sec. 594 of title 18 quoted in the text above is based on former secs. 1 and 8 (former secs. 61 and 61g of title 18, U. S. C.) and consolidates these sections with changes in phraseology only. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

Disposition of the Hatch Political Activities Act with changes as effected by Public Law 772 (H. R. 3190), 80th Cong., 2d sess., June 25, 1948, an act to revise, codify, and enact into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure":

Hatch Act	United States statutes at large				Former U. S. C. and U. S. C. A. citation	Effect of revision on section	Disposition of section
	Date	Chapter	Section	Volume	Page		
Sec. 1.....	Aug. 2, 1939	410	1	53	1147	Repealed.....	18 U. S. C., sec. 594 (new).
Sec. 2.....	Aug. 2, 1939	410	2	53	1147	Repealed.....	18 U. S. C., sec. 595 (new).
Sec. 3.....	July 19, 1940	640	1	54	767	do.....	18 U. S. C., sec. 600 (new).
Sec. 4.....	Aug. 2, 1939	410	3	53	1147	do.....	18 U. S. C., sec. 601 (new).
Sec. 5.....	Aug. 2, 1939	410	4	53	1147	do.....	18 U. S. C., sec. 604 (new).
Sec. 6.....	Aug. 2, 1939	410	5	53	1148	do.....	18 U. S. C., sec. 605 (new).
Sec. 7.....	Aug. 2, 1939	410	6	53	1148	do.....	18 U. S. C., sec. 598 (new).
Sec. 8.....	Aug. 2, 1939	410	7	53	1148	do.....	18 U. S. C., sec. 594, 595, 598, 600, 601, 604, 605 (new).
Sec. 9.....	Aug. 2, 1939	410	9	53	1148	No change.....	Section not amended, but excluded from (new) title 18 and recommended be transferred to title 5.
Sec. 10.....	July 19, 1940	640	2	54	767		
Sec. 11.....	Mar. 27, 1942	193	1701	56	181		
Sec. 12.....	Aug. 8, 1946	904	9A	60	937	No change.....	Section not amended, but excluded from (new) title 18 and recommended be transferred to title 5.
Sec. 13.....	Aug. 2, 1939	410	10	53	1149		
Sec. 14.....	Aug. 2, 1939	410	11	53	1149		
Sec. 15.....	July 19, 1940	640	4	54	767	Repealed.....	Omitted as unnecessary.
Sec. 16.....	July 19, 1940	640	4	54	767	do.....	Do.
Sec. 17.....	July 19, 1940	640	4	54	767	Repealed.....	Section not amended, but excluded from (new) title 18 and recommended be transferred to title 5.
Sec. 18.....	July 19, 1940	640	4	54	767	do.....	18 U. S. C., sec. 608 (new).
Sec. 19.....	July 19, 1940	640	4	54	767	Repealed.....	18 U. S. C., sec. 595 (new).
Sec. 20.....	July 19, 1940	640	4	54	767	do.....	Section not amended, but excluded from (new) title 18 and recommended be transferred to title 5.
Sec. 21.....	July 19, 1940	640	4	54	767	Repealed.....	Do.
Sec. 22.....	Oct. 24, 1942	620	6	56	986	Repealed.....	Omitted, being temporary.
Sec. 23.....						do.....	Section not amended, but excluded from (new) title 18 and recommended be transferred to title 5.
Sec. 24.....						do.....	18 U. S. C., sec. 595 (new).
Sec. 25.....						do.....	18 U. S. C., sec. 600 (new).
Sec. 26.....						do.....	18 U. S. C., sec. 595 (new).

1 Title VII.

at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Penalty

Sec. [2.]⁷ 595. ADMINISTRATIVE EMPLOYEES OF UNITED STATES OR ANY STATE, USE OF OFFICIAL AUTHORITY TO INFLUENCE ELECTIONS. (Title 18, U. S. C., sec. 595, as enacted by Public Law 772, 80th Cong. 2d sess., superseding secs. 2, 8, 14, 19, and 21, ch. 410, 53 Stat. 1147, 1148; ch. 640, 54 Stat. 767; ch. 620, 56 Stat. 986 and 18 U. S. C. A., secs. 61a, 61g, 61n, 61s, and 61u.)

SEC. 595. Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or Possession, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Penalty

Use of official authority by anyone in administrative position for purpose of interfering with election unlawful

Includes District of Columbia employees

Includes employees of federally financed projects of States and municipalities

⁷ Sec. 595 quoted in the text above consolidates former secs. 2, 8, 14, and 19 and incorporates sec. 21 of the Hatch Act. Words "or agency thereof" and words "or any department or agency thereof" were inserted to remove any possible ambiguity as to scope of the new section. Definitions of the terms "department" and "agency" are now found in sec. 6 of title 18, the term "agency" including any department, independent establishment, commission, administration, authority, board, or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

Words "or by the District of Columbia or any agency or instrumentality thereof" were inserted upon authority of former sec. 14 of the Hatch Act which provided that for the purposes of this section, "persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States."

After "State" the words "Territory, or possession of the United States" were inserted in two places upon authority of former sec. 19 of the Hatch Act which defined "State," as used in this section, as "any State, Territory, or possession of the United States." The punishment provision now found in sec. 595 was derived from former sec. 8 of the Hatch Act, which by reference made the punishment applicable.

The second paragraph of sec. 595 was derived from former sec. 21 of the Hatch Act.

Changes were made in phraseology. (Sec 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

Employees* of
educational and
research institu-
tions, etc.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic, or cultural organization.

Sec. [3.]^{7a} 600. POLITICAL ACTIVITY; PROMISE OF EMPLOYMENT, COMPENSATION OR OTHER BENEFIT. (Title 18, U. S. C., sec. 600, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 3 and 8, ch. 410, 53 Stat. 1147, 1148, and 18 U. S. C. A., secs. 61b and 61g.)

Promise of
benefit of any
person as reward
for support of or
opposition to a
candidate or
political party
unlawful

SEC. 600. Whoever, directly or indirectly, promises any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Penalty

Sec. [4.]⁸ 601. SAME; DEPRIVATION OF EMPLOYMENT, COMPENSATION OR OTHER BENEFIT. (Title 18, U. S. C., sec. 601, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 4 and 8, ch. 410, 53 Stat. 1147, 1148, and 18 U. S. C. A., secs. 61c and 61g.)

Discrimination in
work relief, etc.,
on account of
race, creed, etc.,
unlawful

SEC. 601. Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Penalty

^{7a} Sec. 600 quoted in the text above is based on and consolidates former secs. 3 and 8 of the Hatch Act. Minor changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

⁸ Sec. 601 quoted in the text above is based on and consolidates former secs. 4 and 8 of the Hatch Act. The words "except as required by law" were used as sufficient to cover the reference to the exception made to the provisions of subsec. (b), sec. 9, of the Hatch Act which expressly prescribes the circumstances under which a person may be lawfully deprived of his employment and compensation therefor. Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

Sec. [5.]⁹ 604. ASSESSMENTS; CONTRIBUTIONS; SOLICITATION FROM BENEFIT RECIPIENTS. (Title 18, U. S. C., sec. 604, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 5 and 8, ch. 410, 53 Stat. 1148, and 18 U. S. C. A., secs. 61d and 61g.)

SEC. 604. Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Contributions, etc., for political purposes from persons receiving work relief or relief benefit unlawful

Penalty

Sec. [6.]¹⁰ 605. LIST OF BENEFIT RECIPIENTS; FURNISHING. (Title 18, U. S. C., sec. 605, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 6 and 8, ch. 410, 53 Stat. 1148 and U. S. C. A., secs. 61e and 61g.)

SEC. 605. Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Disclosure of lists or names of persons on relief, for political purposes, unlawful

Whoever receives any such list or names for political purposes—

Receipt of list unlawful

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Penalty

⁹ Sec. 604 quoted in the text above is based on and consolidates former secs. 5 and 8 of the Hatch Act. Minor changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

¹⁰ Sec. 605 quoted in the text above is based on and consolidates former secs. 6 and 8 of the Hatch Act. Reference to persons aiding or assisting, contained in words "or to aid or assist in furnishing or disclosing" was omitted as unnecessary as such persons are made principals by sec. 2 of title 18: "(a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission is a principal. (b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such." Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

Sec. [7.]¹¹ 598. APPROPRIATIONS, OFFICIAL AUTHORITY; USE IN COERCING VOTERS. (Title 18, U. S. C., sec. 598, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 7 and 8, ch. 410, 53 Stat. 1148 and 18 U. S. C. A., secs. 61f and 61g.)

Relief, etc., funds, providing loans for public-works projects, use to coerce or restrain voters unlawful

Penalty

SEC. 598. Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Sec. [8.]¹² 594, 595, 598, 600, 601, 604, 605. PENALTIES. (Sec. 8, ch. 410, 53 Stat. 1148, 18 U. S. C. A., sec. 61g was repealed by Public Law 772, 80th Cong., 2d sess., but was reenacted and consolidated with former sections 1-7 of the Hatch Act as title 18, U. S. C., secs. 595, 598, 600, 601, 604, and 605.)

Sec. 9.¹³ EXECUTIVE EMPLOYEES; USE OF OFFICIAL AUTHORITY; POLITICAL ACTIVITY; PENALTIES. (53 Stat. 1148; as amended 54 Stat. 767; 56 Stat. 181; 60 Stat. 937.)

Employees of executive departments, etc.

Interference in an election unlawful

Taking any active part in political management or campaigns forbidden

Exceptions
Right to vote, etc.

President and Vice President, and Executive Office personnel

SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and

¹¹ Sec. 598 quoted in the text above is based on and consolidates former secs. 7 and 8 of the Hatch Act with changes of phraseology necessary to effect the consolidation. The punishment provision was derived from former sec. 8 of the Hatch Act which, by reference, was made applicable to this section. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

¹² For disposition of sec. 8 see secs. [1] 594, [2] 595, [3] 600, [4] 601, [5] 604, [6] 605, and [7] 598. Sec. 8 of the Hatch Act, providing a penalty for violation of secs. 1 through 7 was repealed by Public Law 772, 80th Cong., 2d sess., but was reenacted as a penalty provision in title 18, U. S. C., secs. 594, 595, 598, 600, 601, 604, and 605. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

¹³ Secs. 9, 9A, 12, 15, 16, and 18 of the Hatch Act being former secs. 61h, 61i, 61j, 61o, 61p, and 61r, respectively, of title 18, U. S. C., 1940 ed. (and U. S. C. A.), were not included in the revision of title 18, U. S. C., as enacted by Public Law 772, 80th Cong., 2d sess. Recommendation was made by the revisers that these sections be transferred to title 5, Executive Department, but the transfer has not been effected and until that time these sections are without a code citation and must be cited with the United States Statute citation cited to the text in each instance. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws. The provisions of the second sentence of this subsection shall not apply to the employees of The Alaska Railroad, residing in municipalities on the line of the railroad, in respect to activities involving the municipality in which they reside.

Heads, etc., of departments

Policy-determining officers

Employees of Alaska Railroad

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person.

Penalty for violation of sec. 9a

NOTES ON DECISIONS

In *United Public Workers v. Mitchell*, 330 U. S. 75, February 10, 1947, held section 9 (a) "'applies without discrimination to all employees whether industrial or administrative.'"

Sec. 9A.¹⁴ FEDERAL EMPLOYEES; MEMBERSHIP IN POLITICAL PARTIES; PENALTIES. (53 Stat. 1148.)

SEC. 9A. (1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any Act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

Membership in party or organization advocating overthrow of Government unlawful

(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any Act of Congress for such position or office shall be used to pay the compensation of such person.

Penalty for violation of sec. 9A

Sec. [10.]¹⁵ EFFECT ON EXISTING LAW. (53 Stat. 1149; as amended 54 Stat. 767; 18 U. S. C. A., sec. 61j.)

Sec. [11.]¹⁶ SEPARABILITY CLAUSE. (53 Stat. 1149; 18 U. S. C. A., sec. 61k.)

¹⁴ Secs. 9, 9A, 12, 15, 16, and 18 of the Hatch Act being former secs. 61h, 61i, 61l, 61o, 61p, and 61r, respectively, of title 18, U. S. C., 1940 ed. (and U. S. C. A.) were not included in the revision of title 18, U. S. C., as enacted by Public Law 772, 80th Cong., 2d sess. Recommendation was made by the revisers that these sections be transferred to title 5, Executive Department, but the transfer has not been effected and until that time these sections are without a code citation and must be cited with the United States Statutes citation cited to the text in each instance. (See 80th Cong., 1st sess., II, Rept. No. 304 on H. R. 3190.)

¹⁵ Former sec. 10 of the Hatch Act was repealed by Public Law 772, 80th Cong., 2d sess. The section was omitted as unnecessary because in the enactment of the revision of title 18 all old sections included in the new title are on an equal basis and speak as of the date of the enactment under authority of *United States v. Bowen* (400 U. S. 508), construing the Revised Statutes. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

¹⁶ Former sec. 11 of the Hatch Act was repealed by Public Law 772, 80th Cong., 2d sess. The section was omitted as unnecessary because sec. 18 of the Public Law 772 provides for separability of provisions with respect to the entire new title 18. (See 80th Cong., 1st sess., II, Rept. No. 304 on H. R. 3190.)

Sec. 12.¹⁷ EMPLOYEES OF STATE OR LOCAL AGENCIES FINANCED BY LOANS OR GRANTS FROM UNITED STATES—INFLUENCING ELECTIONS; OFFICER OR EMPLOYEE DEFINED. (Added by 54 Stat. 767.)

Interference with an election, etc., by certain State employees forbidden

Use of official authority, influence

Coercion, etc., to contribute part of salary

Active political participation

Right to vote, etc.

"Officer or employee" construed; restriction

Report of violations to U. S. Civil Service Commission

Hearings by Commission; notification

SEC. 12. (a) No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term "officer or employee" shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding elective offices.

(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the "Commission"). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days

¹⁷ Secs. 9, 9A, 12, 15, 16, and 18 of the Hatch Act being former sections 61h, 61i, 61j, 61o, 61p, and 61r, respectively, of title 18, United States Code, 1940 ed. (and U. S. C. A.) were not included in the revision of title 18, United States Code, as enacted by Public Law 772, 80th Cong., 2d sess. Recommendation was made by the revisers that these sections be transferred to title 5, Executive Department, but the transfer has not been effected and until that time these sections are without a code citation and must be cited with the United States Statutes citation cited to the text in each instance. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years' compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: *Provided*, That in no event shall the Commission require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shall be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c), any determination or order of the Commission shall become final upon the expiration of thirty days after the mailing of notice of such determination or order.

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such pro-

Findings and notification of employee and State

Employee not removed from office within stated period; withholding of Federal funds

Amount to be withheld

Exception

Proviso
When funds not to be withheld

Notice to State, etc., agency

Petition for court review

Stay of determination or order

Transcript of record	<p>ceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceedings to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.</p>
Review upon entire record	
Additional evidence	
Modification of Commission's order	
Affirmation by court	
Remanding of proceeding to Commission	
Finality of judgment and decree; review	
When designated provision held invalid, effect	
Rules and regulations	
Attendance of witnesses, etc.	

(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Civil Service Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of this Act,

before the Commission. Any member of the Commission may sign subpoenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The Commission may order testimony to be taken by deposition in any proceeding or investigation, which as a result of this Act, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided. No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpoena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpoena issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Oaths, examination of witnesses, etc.

Enforcement of subpoenas

Depositions

Incriminating evidence

Proviso
Perjury

Provisions inapplicable

(e) The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

(f) For the purposes of this section—

(1) The term "State or local agency" means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.

"State or local agency" defined

"Federal agency"
defined

(2) The term "Federal agency" includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System).

NOTES ON DECISIONS

In *Oklahoma v. United States Civil Service Commission*, 330 U. S. 127, February 10, 1947, held that a State highway commissioner whose principal employment was in connection with an activity financed in part by loans and grants from a Federal agency, "acting as chairman of the — State Central Committee and acting, *ex officio*, as a member of the — Dinner's Committee for the purpose of raising funds for the — Party and for selling war bonds" constituted "taking an active part in political management" in violation of section 12 (a) and warranted an order for his removal by the Civil Service Commission.

Sec. [13.] 608.¹⁸ FINANCIAL AID TO CANDIDATES—CONTRIBUTIONS. (Title 18, U. S. C., sec. 608, as enacted by Public Law 772, 80th Cong., 2d sess., superseding sec. 13, ch. 410, 53 Stat. 1147-1149, as added by ch. 640, 54 Stat. 770, and U. S. C. A., sec. 61m.)

Contribution to
candidate or
committee, etc.,
in excess of \$5,000
unlawful

SEC. 608. (a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of \$5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Penalty

Contributions to
or by State or
local committees,
etc., excepted

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

¹⁸ Sec. 608 quoted above in the text is based on former sec. 13 of the Hatch Act. References to "pernicious political activity" were omitted in the revision of title 18, U. S. C., as enacted by Public Law 772, 80th Cong. 2d sess.

The punishment provision of this section, which formerly appeared as first sentence of subsec. (d) of former sec. 13 of the Hatch Act, is set out at the end of the first paragraphs of subssecs. (a) and (b), respectively. Words "or both" were added to the punishment provisions in two places, to conform to the almost universal formula of this title.

To improve style the last sentence of subsec. (a) was made a paragraph and the words "or to similar committees or organizations in the District of Columbia or in any Territory or possession of the United States" were added at the end of it. These words were added upon authority of definition of "State" in subsection (d) of former sec. 13, which described a State as including a Territory or possession, and for the further reason that to omit the District of Columbia would have the effect of prohibiting contributions of more than \$5,000 by the District committee of each major party to their respective national committees but would permit such contributions by similar committees in the Canal Zone, Virgin Islands, or Puerto Rico.

Subsec. (b) of former sec. 13 of the Hatch Act, contained definitions of "person" and "contribution." In this revised section, definition of "person" was omitted as unnecessary in view of substitution of "Whoever" and definition of "whoever" in sec. 1 of title 1, U. S. C., 1940 ed., General Provisions. Inasmuch as the definition of "contribution" in subsec. (b) of former sec. 13 of the Hatch Act was substantially the same as that contained in subsec. (d) of sec. 302 of the Corrupt Practices Act (sec. 241 of title 2, U. S. C., 1940 ed.,) The Congress, which is incorporated in sec. 591 of revised title 18, U. S. C., such definition is not repeated in this section, but the definition, as contained in said sec. 591 of title 18 is made applicable by subsec. (d) of this revised section.

Subsec. (e) of former sec. 13, was omitted as unnecessary in the revision. Changes were made in phraseology.

(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Certain purchases of goods, advertising, etc., unlawful

Penalty

This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

Noninterference with candidate's business, etc.

(c) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

Violations by partnerships, etc.

(d) The term "contribution," as used in this section, shall have the same meaning prescribed by section 591 of this title.

"Contribution" defined

CROSS REFERENCE

For definition of term "Contribution" see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

Sec. [14.]¹⁰ DISTRICT OF COLUMBIA EMPLOYEES AS EMPLOYEES OF UNITED STATES. (Added by 54 Stat. 767; 18 U. S. C. A., sec. 61n.)

Sec. 15.²⁰ ACTIVITIES PROHIBITED ON PART OF CIVIL-SERVICE EMPLOYEES AS PROHIBITED ON PART OF OTHER GOVERNMENT AND STATE EMPLOYEES. (Added by 54 Stat. 767.)

SEC. 15. The provisions of this Act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

"Taking active part in political management, etc.", deemed to include activities prohibited by Commission

¹⁰ Former sec. 14 of the Hatch Act providing that District of Columbia employees be included in the act was repealed by Public Law 772, 80th Cong., 2d sess., but was reenacted and consolidated with former secs. 2, 8, 19, and 21 to form sec. 595 of the revised title 18, U. S. C. (See note to sec. [2] 595.)

²⁰ Secs. 9, 9A, 12, 15, 16, and 18 of the Hatch Act being former secs. 61h, 61i, 61j, 61o, 61p, and 61r, respectively, of title 18, U. S. C., 1940 ed. (and U. S. C. A.) were not included in the revision of title 18, U. S. C., as enacted by Public Law 772, 80th Cong., 2d sess. Recommendation was made by the revisers that these sections be transferred to title 5, Executive Department, but the transfer has not been effected and until that time these sections are without a code citation and must be cited with the United States Statutes citation cited to the text in each instance. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

Sec. 16.²¹ POLITICAL CAMPAIGNS IN LOCALITIES WHERE MAJORITY OF VOTERS ARE GOVERNMENT EMPLOYEES. (Added by 54 Stat. 767; 18 U. S. C. A., sec. 61p.)

Certain residents of municipalities in immediate vicinity of D. C., etc.
Political activities when permitted

SEC. 16. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this Act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

Regulation by Commission

Sec. [17.]²² STATE EMPLOYEES RUNNING FOR PUBLIC OFFICE; RESIGNATION UPON ELECTION. (Added by 54 Stat. 767; 18 U. S. C. A., sec. 61q.)

Sec. 18.²³ ELECTIONS NOT SPECIFICALLY IDENTIFIED WITH NATIONAL OR STATE ISSUES OR POLITICAL PARTIES. (Added by 54 Stat. 767.)

Political activities in connection with designated elections, etc., not prohibited

SEC. 18. Nothing in the second sentence of section 9 (a) or in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any person subject to the provisions of this Act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the

²¹ Secs. 9, 9A, 12, 15, 16, and 18 of the Hatch Act being former secs. 61h, 61i, 61j, 61o, 61p, and 61r, respectively, of title 18, U. S. C., 1940 ed. (and U. S. C. A.) were not included in the revision of title 18, U. S. C., as enacted by Public Law 772, 80th Cong., 2d sess. Recommendation was made by the revisers that those sections be transferred to title 5, Executive Department, but the transfer has not been effected and until that time these sections are without a code citation and must be cited with the United States Statutes citation cited to the text in each instance. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

²² Former sec. 17 of the Hatch Act was repealed by Public Law 772, 80th Cong., 2d sess. The section was omitted in the enactment of the revision of title 18, being temporary and relating only to candidates who had been nominated prior to its enactment July 19, 1940, by ch. 640, 54 Stat. 771. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

²³ Secs. 9, 9A, 12, 15, 16, and 18 of the Hatch Act being former secs. 61h, 61i, 61j, 61o, 61p and 61r, respectively, of title 18, U. S. C., 1940 ed. (and U. S. C. A.) were not included in the revision of title 18, U. S. C., as enacted by Public Law 772, 80th Cong., 2d sess. Recommendation was made by the revisers that those sections be transferred to title 5, Executive Department, but the transfer has not been effected and until that time these sections are without a code citation and must be cited with the U. S. Statutes citation cited to the text in each instance. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party. Referendums, etc.

Sec. [19.]²⁴ **STATE DEFINED.** (Added by 54 Stat. 767; 18 U. S. C. A., sec. 61s.)

Sec. [20.]²⁵ **609. MAXIMUM CONTRIBUTIONS TO AND EXPENDITURES BY POLITICAL COMMITTEES; PENALTIES.** (Title 18 U. S. C., sec. 609, as enacted by Public Law No. 772, 80th Cong., 2d sess., superseding sec. 20, ch. 410, 53 Stat. 1147-1149, as added by ch. 640, 54 Stat. 767, and 18 U. S. C. A., sec. 61t.)

SEC. 609. No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year. Receipts and expenditure of political committees in excess of \$3,000,000 forbidden

For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee.

Any violation of this section by any political committee shall be deemed also to be a violation by the chairman and the treasurer of such committee and by any other person responsible for such violation and shall be punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both; and, if the violation was willful, by a fine of not more than \$10,000 or imprisonment of not more than two years, or both. Violations Penalty

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

For duties as to contributions; accounts and receipts; statements; limitations upon expenditures see, supra, sections 303-309 of the Corrupt Practices Act.

Sec. [21.]²⁶ **ACTIVITIES OF EMPLOYEES OF EDUCATIONAL AND RESEARCH INSTITUTIONS, ETC.** (Added by 56 Stat. 986; 18 U. S. C. A., sec. 61u.)

²⁴ Former sec. 19 of the Hatch Act defining the term "State" was repealed by Public Law 772, 80th Cong., 2d sess., but was reenacted and consolidated with former secs. 2, 8, 14, and 21 to form sec. 595 of the revised title 18. (See note to sec. [2] 595.)

²⁵ Sec. 609 is based on former sec. 20 of the Hatch Act and sec. 314 of the Corrupt Practices Act, the punishment provisions of sec. 314 being incorporated at the end of the section upon authority of reference to them contained in words "Terms used in this section (sec. 20) shall have the meaning assigned to them in sec. 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such Act shall apply to violations of this section." Words "or both" were added to the second punishment provision to conform to the almost universal formula of title 18. Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

²⁶ Former sec. 21 of the Hatch Act relating to activities of employees of educational and research institutions, etc., was repealed by Public Law No. 772, 80th Cong., 2d sess., but was reenacted and consolidated with former secs. 2, 8, 14, and 19 to form sec. 595 of the revised title 18, U. S. C. (See note to sec. [2] 595.)

AN ACT PROHIBITING THE PUBLICATION AND DISTRIBUTION OF ELECTION CAMPAIGN STATEMENTS NOT CONTAINING NAMES OF PERSONS RESPONSIBLE THEREFOR

[Public Law 544, 78th Cong., December 23, 1944, ch. 706, secs. 1-3, 58 Stat. 914; repealed, revised, and reenacted into positive law as sec. 612 of title 18, U. S. C., by Public Law 772, 80th Cong., June 25, 1948]

Sec. [1, 2, 3.]²⁷ 612. PUBLICATION OR DISTRIBUTION OF POLITICAL CIRCULARS, ADVERTISEMENTS, STATEMENTS, ETC.; INCLUSION OF NAMES OF PERSONS OR CORPORATIONS RESPONSIBLE; PENALTY. (Title 18, U. S. C., sec. 612, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 1-3, ch. 706, 58 Stat. 914, 915, and 18 U. S. C. A. secs. 62, 62a, 62b.)

Political
circulars,
advertisements,
etc.

Convention,
primary, or
election

Must contain
name of person
responsible

Penalty

SEC. 612. Whoever willfully publishes or distributes any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating to or concerning any person who has publicly declared his intention to seek the office of President, or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to Congress, in a primary, general, or special election, or convention of a political party, or has caused or permitted his intention to do so to be publicly declared, which does not contain the names of the persons, associations, committees, and corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

²⁷ Sec. 612 of title 18, U. S. C., is quoted in the text above as enacted by Public Law 772, 80th Cong., 2d sess. The section is based on secs. 1-3, ch. 706, 58 Stat. 914, 915 (18 U. S. C., 1940 ed., secs. 62, 62a, 62b), and consolidates the three sections. Reference in sec. 2 (sec. 62a) to persons aiding and abetting, was omitted in the revision of title 18 as unnecessary since such persons are made principals by sec. 2 of the revised title 18. Words "upon conviction" which were also contained in said section were omitted by the revisers as surplusage, as punishment may not be imposed until after conviction. Other changes were made in phraseology without change of substance. (See 80th Cong., 1st sess., H. Rpt. No. 304 on H. R. 3190.)

CONTRIBUTIONS BY OR SOLICITATION FROM PERSONS OR FIRMS NEGOTIATING FOR OR PERFORMING GOVERNMENT CONTRACTS

[Public Law No. 753, 76th Cong., July 19, 1940, ch. 640, sec. 5, 54 Stat. 772; repealed, revised, and reenacted into positive law as sec. 611 of title 18, U. S. C., by Public Law 772, 80th Cong., June 25, 1948.]

Sec. [5.]²⁸ 611. CONTRIBUTIONS BY FIRMS OR INDIVIDUALS CONTRACTING WITH THE UNITED STATES; PENALTY. (Title 18, U. S. C., sec. 611, as enacted by Public Law 772, 80th Cong., 2d sess.)

SEC. 611. Whoever, entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

Contributions
by persons or
firms having
United States
contracts
forbidden

Whoever knowingly solicits any such contribution from any such person or firm, for any such purpose during any such period—

Solicitations
forbidden

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Penalty

²⁸ Sec. 611 of title 18, U. S. C., is quoted in the text above as enacted by Public Law 772, 80th Cong., 2d sess. The new section 611 is based on former sec. 5, ch. 640, 54 Stat. 772 (18 U. S. C. A., sec. 611m-1), which was repealed. Words "upon conviction thereof" before "be fined" were omitted, since punishment may not be imposed before a conviction is secured. Words "or both" were added to conform to the almost universal formula of the punishment provisions of title 18. A saving clause at the end of the new sec. 611 was omitted as unnecessary. Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H. R. 3190.)

STATEMENT BY CIVIL SERVICE COMMISSION WITH CONCURRENCE OF DEPARTMENT OF JUSTICE

WASHINGTON, D. C., October 17, 1940.

The following statement has been issued by the United States Civil Service Commission with the concurrence of the Department of Justice in response to numerous inquiries concerning certain rights of Government employees under the Hatch Act and other legislation affecting their political activities:

1. It is *not* lawful for Federal officials and employees, with a few specific exceptions, to take an active part in a political campaign.

2. It is *not* lawful for one Federal official or employee to solicit or receive campaign funds from another Federal employee or official. Political solicitation by *anyone* in any Federal building is unlawful.

3. If is *not* lawful for *anyone* to solicit or receive campaign funds from a Federal employee who receives his salary from an appropriation provided for in the Emergency Relief Act.

4. It *is* lawful for any official or employee to make a voluntary contribution to any political party that he may prefer. An employee cannot be forced to make a contribution, and must not be discriminated against for not doing so.

5. It is lawful for any official or employee to put a political picture in the window of his home, if he so desires.

6. It is lawful for any official or employee to wear a political badge or button.

7. It *is* lawful for any official or employee to put a political sticker on his private automobile, except where forbidden by local ordinance.

With reference to items 6 and 7 next above, it is the opinion of the Civil Service Commission that, although the mere actions mentioned are not violations, it nevertheless is inappropriate to the status of a Government employee, as a public servant, to make a partisan display of any kind, while on duty, conducting the public business.

(For more detailed information as to political activity and political assessments of Federal officeholders and employees, as affected by Federal law and Civil Service administrative regulations made under that authority, reference is made to U. S. Civil Service Commission Form 1236, Political Activity and Political Assessments, issued by the Commission in pamphlet form and revised as of January 1944.)

CIVIL SERVICE COMMISSION

CIVIL SERVICE RULE IV ²⁰

SEC. 4.1. *Prohibition against political activity.*—Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute.

²⁰ From the Code of Federal Regulations, Supplement 1947, title 5, chapter 1.

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES⁸⁰

GENERAL RESTRICTION

PROHIBITED ACTIVITY

Nature of restriction.—The broadest and most widely applicable restrictions on political activity are contained in section 9 (a) of the Hatch Act (Hatch Political Activities Act of August 2, 1939, as amended; 18 U. S. C. 61h)⁸¹ and section 4.1 of Civil Service Rule IV. In practically the same words these provisions prohibit the following:

- (1) Using official authority or influence for the purpose of interfering with an election or affecting its results.
- (2) Taking an active part in political management or in political campaigns.

Both the Hatch Act and Civil Service Rule IV specifically reserve to all persons affected the right to vote as they please and the right to express their opinions on all political subjects.

Penalty.—An officer or employee found to have violated the restrictions imposed by section 9 (a) of the Hatch Act and section 4.1 of Civil Service Rule IV must be immediately removed from the position or office held by him and cannot be reemployed in any position the salary or compensation of which is payable under the same appropriation as the position from which he was removed. This restriction is not limited to the appropriation act for any particular fiscal year.

Individual responsibility.—Each officer and employee is responsible for refraining from prohibited political activity. He is presumed to be acquainted with the legal provisions applicable to him, and his ignorance of them will not excuse a violation. If he is in doubt as to whether any particular activity is prohibited, he should present the matter in writing to the United States Civil Service Commission before engaging in the activity.

It is the duty of any person having knowledge of a violation of any of the provisions prohibiting political activity to submit the facts to the United States Civil Service Commission, Washington 25, D. C.

Activity through another person.—Any political activity which is prohibited to an employee acting independently is also prohibited to an employee acting in open or secret cooperation with others. Whatever the employee may not do directly or personally, he may not do indirectly or through an agent, officer, or employee chosen by him or subject to his control. Employees are, therefore, accountable for political activity by persons other than themselves, including wives or husbands, if, in fact, the employees are thus accomplishing by collusion and indirection what they may not lawfully do directly and openly. Political activity in fact, regardless of the methods or means used by the employee, constitutes the violation.

This does not mean that an employee's husband or wife may not engage in politics independently, upon his or her own initiative, and in his or her own behalf. Cases have arisen, however, in which the facts showed that the real purpose of a wife's activity was to accomplish a political act prohibited to her husband, the attempt being

⁸⁰ Federal Personnel Manual, 1947, Civil Service Commission, pp. C 2-3, 4, 5.

⁸¹ Sec. 61h was omitted from title 18 U. S. C. by Public Law 772, 80th Cong., 2d sess. and until a recodification of title 5 is effected will be cited as sec. 9, ch. 410, 53 Stat. 1148; as amended ch. 640, 54 Stat. 767; 60 Stat. 937.

made for her husband's benefit and at his instigation or even upon his coercion. This may be true of individuals or it may occur among groups of employees' wives, associated for the purpose of securing for their husbands what the husbands may not secure for themselves. In such situations, it is obvious that the prohibitions against political activity are being violated. The collusion or coercion renders the wife's activity imputable to the husband, and he is guilty of the same infraction as if he were openly a participant.

EMPLOYEE COVERAGE

In the absence of specific statutory exemption, the basic political-activity restrictions apply to any person employed in the executive branch of the Federal Government, or any agency or department thereof, or in the government of the District of Columbia. Some persons are subject to these restrictions by virtue both of section 4.1 of Civil Service Rule IV and of section 9 (a) of the Hatch Act; others are subject to them solely by virtue of section 9 (a) of the Hatch Act.

Employees on leave.—In general, an employee who is subject to the basic political-activity prohibitions while on active duty is subject to them while on leave with pay, leave without pay, or furlough, and incurs the same penalties for an offense committed while in leave or furlough status as for an offense committed while on active duty. This is true even though the leave is terminal leave, and even though the employee's resignation has been submitted and accepted. However, if lump-sum payment is made for accrued annual leave, the person involved is not subject to the political-activity restrictions during the period covered by the lump-sum payment or thereafter.

It is not permissible for an employee to take leave of absence for the purpose of working with a political committee or organization or becoming a candidate for office with the understanding that he will resign his position if nominated or elected.

Part-time or intermittent employees.—Any person whose employment with the Federal Government is only part-time or intermittent, not in any case occupying a substantial portion of his time and not affording his principal means of livelihood, is subject to the political-activity prohibitions of section 9 (a) of the Hatch Act while in active-duty status, and not otherwise. Such an employee may hold political office or be listed as a candidate for such office provided that he does not engage in political activity during periods of active duty. The period of active duty embraces the whole period of status as a paid employee, rather than just the working hours of the day.

Generally, the prohibitions against taking an active part in political management or in political campaigns do not apply to part-time or intermittent officers or employees serving in connection with the existing war effort in capacities other than those relating to the procurement or manufacture of war material. However, such employees are subject to the prohibition against the use of official authority or influence for the purpose of interfering with an election or affecting the results thereof.

Persons not subject to political activity restrictions.—The political activity restrictions of section 9 (a) of the Hatch Act and section 4.1 of Civil Service rule IV do not apply to the following persons:

EXECUTIVE BRANCH

The President and Vice President of the United States.
Persons who are compensated from the appropriation for the Office of the President.
Heads and assistant heads of departments.
Officers who are appointed by the President by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.
Ambassadors of the United States.
Ministers of the United States.

LEGISLATIVE BRANCH

Officers and employees of the legislative branch of the Federal Government, including secretaries and clerks of Members of Congress and congressional committees.

JUDICIAL BRANCH

Officers and employees of the judicial branch of the Federal Government, including United States Commissioners, clerks of United States courts, referees in bankruptcy, and their secretaries, deputies, and clerks.

DISTRICT OF COLUMBIA

The Commissioners of the District of Columbia.³²
The Recorder of Deeds of the District of Columbia.³²

OTHER

Officers or employees of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision, or the District of Columbia, or by any Territory or Territorial possession of the United States, or by any recognized religious, philanthropic, or cultural organization.

Persons who are retained from time to time to perform special services on a fee basis and who take no oath of office, fee attorneys, inspectors, appraisers, and management brokers for the Home Owners' Loan Corporation and special fee attorneys for the Reconstruction Finance Corporation.

Persons who receive benefit payments, such as old-age assistance and unemployment compensation under the Social Security Act, rural-rehabilitation grants, and payments under the agricultural conservation program.

Persons retired from the Federal service, unless reemployed in the executive branch of the Federal Government.

³² Excepted only from the prohibition against active participation in political management or in political campaigns.

